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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 058,398	01.30.2002	Michael H. Schmitt	111225	4748

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EXAMINER

KUMAR, PREETI

ART UNIT PAPER NUMBER

1751

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,398

Applicant(s)

SCHMITT, MICHAEL H.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26, 29-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 1-26 and 29-38 are pending.
2. The rejection of claims 1-30, 38 under 35 U.S.C. 102(b) as being anticipated by Cates et al. (US 4,759,770) is withdrawn in light of applicant's amendment to the claims.
3. The rejection of claims 1-8 and 26-38 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over English et al. (US 5,855,623) is maintained for the reasons recited in the previous office action and further described below.
4. The rejection of claims 1, 14-25 and 38 are rejected under 35 U.S.C. 103(a) as obvious over Ghorashi (US 5,096,459) is maintained for the reasons recited in the previous office action and further described below.

Response to Arguments

5. Applicant's arguments, see remarks, filed May 30, 2003, with respect to the non-final rejection dated March 13, 2003 have been fully considered but they are not persuasive. Also, applicant's arguments with respect to claims 1-26, 29-30, 38 rejected under Cates et al. (US 4,759,770) have been considered but are moot in view of the new ground(s) of rejection.

Applicant's urge that Cates et al. and Ghorashi do not teach or suggest that the polyamide fibers have a water-insoluble finish thereon prior to exposure to the swelling agent. However, both prior art teachings teach a process for dyeing isophthalamide fibers and isophthalamide fibers are water insoluble. Please see the attached copy of

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the materials safety data sheets MSDS on both KEVLAR and NOMEX fibers which are made from isophthalamide fibers.

Furthermore, applicant's urge that English et al. do not teach or suggest the use of treating in the wash cycle of a washing machine and instead, teach that scouring be conducted with an aqueous alkaline solution in order to be effective. However, the instant claims as amended do not exclude treatment by alkaline aqueous solutions. Furthermore, examiner draws attention to col.16, ln.40-50, where English et al. teach that uniform dispersal and intimate contact of all chemicals is preferred. This may be assisted by various forms of agitation or flow of the aqueous treating solution around and between the fiber surfaces. For example, in the case of the treatment of fibers in the form of fabric piece goods, agitation may be accomplished by the paddles in a conventional paddle tub. Alternatively, for fibers in the form of fabrics which are processed in the form of rolls on a beam, the aqueous treating solution may be circulated around and through the beam by conventional pressure means.

New Grounds of Rejection

6. Claims 1-26, 29-30, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cates et al. (US 4,759,770).

Cates et al. are relied upon as set forth in the previous office action dated March 13, 2003. However, Cates et al. do not specifically teach the step of removing the water insoluble finish in the washing step of a washing machine or by stirring or by the use of water vapor as recited by the amended claim 1. However, the examiner draws attention to the teaching that Cates teaches "contacting" the isophthalamide fibers to the swelling

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agent to illustrate the use polar organic solvents to swell the fiber and create voids in the fiber structure to enhance dyeability. In example I Cates teaches that the contacting is done by a pad bath. Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to remove a water insoluble finish during a washing step as recited by the instant claims, because the teachings of Cates et al. illustrate the use polar organic solvents to swell the fiber and create voids in the fiber structure via a pad bath.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

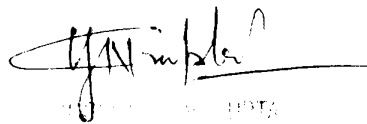
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 703-308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

Preeti Kumar
Examiner
Art Unit 1751



Handwritten signature of Preeti Kumar, Examiner, Art Unit 1751.

PK